

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 12-2004)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

112701-443

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/523272**

INTERNATIONAL APPLICATION NO.

**PCT/EP03/008634**

INTERNATIONAL FILING DATE

**5 August 2003**

PRIORITY DATE CLAIMED

**6 August 2002**

TITLE OF INVENTION

**DEVICE FOR PREPARING A BEVERAGE**

APPLICANT(S) FOR DO/EO/US

**Hug et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EV 351 264 897 US**
23. ☒ Other items or information:

**Power of Attorney (1 page)  
Return Receipt Postcard**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |              |                                                                        |            |                                                                                                              |            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------------------------------------------------------------|------------|--------------------------------------------------------------------------------------------------------------|------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><b>10/523272</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              | INTERNATIONAL APPLICATION NO.<br><b>PCT/EP03/008634</b>                |            | ATTORNEY'S DOCKET NUMBER<br><b>112701-443</b>                                                                |            |
| 24. The following fees are submitted:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |              |                                                                        |            | Applicant use                                                                                                | Office use |
| <input checked="" type="checkbox"/> a) Basic national fee ..... \$300.00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |              |                                                                        |            | \$ 300.00                                                                                                    |            |
| <input checked="" type="checkbox"/> b) Examination fee ..... \$200.00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |              |                                                                        |            | \$ 200.00                                                                                                    |            |
| <input checked="" type="checkbox"/> c) Search fee ..... \$500.00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |              |                                                                        |            | \$ 500.00                                                                                                    |            |
| <b>TOTAL OF ABOVE CALCULATIONS = \$1000.00</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |                                                                        |            | \$ 1,000.00                                                                                                  |            |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |              |                                                                        |            |                                                                                                              |            |
| Total Sheets                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE       |                                                                                                              |            |
| - 100 =                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | /50 =        |                                                                        | x \$250.00 | \$ 0.00                                                                                                      |            |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |              |                                                                        |            | \$                                                                                                           |            |
| CLAIMS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | NUMBER FILED | NUMBER EXTRA                                                           | RATE       |                                                                                                              |            |
| Total claims                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 23 - 20 =    | 3                                                                      | x \$50.00  | \$ 150.00                                                                                                    |            |
| Independent claims                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 2 - 3 =      | 0                                                                      | x \$200.00 | \$ 0.00                                                                                                      |            |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |              |                                                                        |            | \$ 0.00                                                                                                      |            |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |              |                                                                        |            | \$ 1,150.00                                                                                                  |            |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |              |                                                                        |            | \$ 0.00                                                                                                      |            |
| <b>SUBTOTAL =</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |              |                                                                        |            | \$ 1,150.00                                                                                                  |            |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |              |                                                                        |            | \$ 0.00                                                                                                      |            |
| <b>TOTAL NATIONAL FEE =</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |              |                                                                        |            | \$ 1,150.00                                                                                                  |            |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |              |                                                                        |            | \$ 0.00                                                                                                      |            |
| <b>TOTAL FEES ENCLOSED =</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |              |                                                                        |            | \$ 1,150.00                                                                                                  |            |
| Amount to be refunded:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              |                                                                        |            | \$                                                                                                           |            |
| Amount to be charged:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |              |                                                                        |            | \$                                                                                                           |            |
| <p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <b>\$1,150.00</b> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>02-1818</b>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> |              |                                                                        |            |                                                                                                              |            |
| <p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p><b>Robert M. Barrett (30,142)</b><br/> <b>Bell, Boyd &amp; Lloyd LLC</b><br/> <b>P.O. Box 1135</b><br/> <b>Chicago, IL 60690-1135</b></p>                                                                                                                                                                                                                                                                                                                                                                                                           |              |                                                                        |            |                                                                                                              |            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |              |                                                                        |            | <p>SIGNATURE</p> <p><b>Robert M. Barrett</b></p> <p>NAME</p> <p><b>30,142</b></p> <p>REGISTRATION NUMBER</p> |            |

|                     |            |
|---------------------|------------|
| FEE VALUE           |            |
| ACCOUNTABILITY      |            |
| DEPOSIT ACCOUNT NO. |            |
| <b>02/18/8</b>      |            |
| FEE                 | VALUE      |
| CODE                | ENTERED SO |
| <b>1632</b>         | <b>400</b> |

DT05 PCT/PTO 31 JAN 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hug et al.  
Appl. No.: PCT/EP03/008634  
Filed: 5 August 2003  
Title: DEVICE FOR PREPARING A BEVERAGE  
Art Unit: Unknown  
Examiner: Unknown  
Docket No.: 112701-443

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## CERTIFICATE OF MAILING BY EXPRESS MAIL UNDER 37 CFR 1.10

Sir:

I hereby certify that the following documents relating to the above-identified application:

1. Transmittal Letter (2 pages) (duplicate);
2. Copy of International Application As Filed (17 pages);
3. Translation of International Application (11 pages)
4. Copy of International Preliminary Examination Report (2 pages);
5. Copy of International Search Report (3 pages);
6. Unexecuted Declaration (3 pages);
7. Power of Attorney (1 page);
8. Preliminary Amendment (16 pages);
9. Certified Copy of Priority Document (2002/1367-2)
10. Check in the Amount of \$1,150.00; and
11. Return Receipt Postcard.

are being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to:

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on January 31, 2005

Respectfully submitted,

BELL, BOYD &amp; LLOYD LLC

Heather Foster

Name of Person Mailing Correspondence



Signature

EV 351 264 897 US

Express Mail Mailing Label Number